

**REMARKS**

Claims 36 to 38 are added, and therefore claims 14 to 17, 34 and 35 to 38 are currently pending and being considered in the present application (*since claims 18 to 33 were previously withdrawn in response to a restriction requirement*).

In view of this response, it is respectfully submitted that all of the presently pending and considered claims are allowable, and reconsideration is respectfully requested.

With respect to paragraph five (5) of the Office Action, the drawings were objected to under 37 C.F.R. § 1.83(a).

The drawings objection is traversed. As regards the objection to the drawings, while 37 C.F.R. § 1.83(a) requires the drawings to show every feature specified in the claims, it also provides that “conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be” -- *but are not required to be* -- “illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation.” Accordingly, “should be” is NOT mandatory language, since it is only suggestive language, as made plain by the Office’s citation of the same language. The features of a “spring element” and an “internal combustion engine” need not be illustrated since their detailed illustration is not essential for a proper understanding of the claimed subject matter. It is respectfully submitted that those of ordinary skill in the art would properly understand the above features disclosed in the description and the claims, without need for further illustration – especially in view of the specification.

Withdrawal of the objections to the drawings is therefore respectfully requested.

With respect to paragraph six (6) of the Office Action, claims 14 to 17, 34 and 35 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,775,600 (the “Wildeson” reference).

As regards the anticipation rejections of the claims, to reject a claim under 35 U.S.C. § 102, the Office must demonstrate that each and every claim feature is identically described or contained in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)). As explained herein, it is respectfully submitted that the Office Action does not meet this standard, for example, as to all of the features of the claims. Still further, not only must each of the claim features be identically described, an anticipatory reference must also enable a person having ordinary

skill in the art to practice the claimed subject matter. (See *Akzo, N.V. v. U.S.I.T.C.*, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986)).

As further regards the anticipation rejections, to the extent that the Office Action may be relying on the inherency doctrine, it is respectfully submitted that to rely on inherency, the Office must provide a “basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied art.” (See M.P.E.P. § 2112; emphasis in original; and see *Ex parte Levy*, 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. App. & Int’f. 1990)). Thus, the M.P.E.P. and the case law make clear that simply because a certain result or characteristic may occur in the prior art does not establish the inherency of that result or characteristic.

While the rejections may not be agreed with, to facilitate matters, claims 14 and 17 have been rewritten to provide the features in which *the crimped connection is formed by a material bulge shifted inwards in a radial direction from an external surface of the valve housing and all the way into the notch to generate an axial stress between the valve housing and the connecting piece*. Support for the features is provided, for example, in the Specification at page 6, line 33 to page 7, line 3.

In contrast to the applied references, in the context of the exemplary embodiments, a connecting piece has at least one notch, into which a valve housing, axially stressed, is crimped, such that a material bulge projecting radially on the outer circumference of valve housing is crimped radially into the at least one notch. As with Figures 2 and 3, a material bulge located radially to the outside is crushed almost exclusively horizontally with a slight axial distance d, which means that the valve housing is deformed plastically in the direction of crimping and a nose-shaped projection 73 is crimped into the circumferential notch 40 (see original specification, page 8, lines 22 to 35).

This method has the advantage that the axial stressing between the valve housing and the connecting piece may be specified, and the connection may therefore be produced in a particularly simple and cost-effective manner, since the flow direction of the material of the valve housing that is to be shifted corresponds largely to the crimping direction produced by the crimping tools on the outer circumference of the valve housing (see Figures 2 and 3). Moreover, the connection resists aging, which increases the life of the fuel injector.

Still further and in particular, the Wildeson reference does not identically disclose (or even suggest) all of the features of claims 14 and 17, as presented. Instead, the Wildeson

reference merely refers to telescoping members 42, 60 together such that a bulge 108 of material of a valve body shell 42 is displaced into a groove 102. (Wildeson, col. 6, lines 45 to 59; and Figures 2, 2A, 3 and 3A). Thus, the bulge 108 of the Wildeson reference is created by axial, telescoping movement between members 42, 60. (Wildeson, col. 8, line 67 to col. 9, line 4).

In contrast, the crimped connection, as provided for in the context of claims 14 and 17, as presented, is formed by a material bulge shifted inwards in a radial direction from an external surface of the valve housing. The Wildeson reference does not even mention shifting material in a radial direction from an external surface of the valve body shell 42. Therefore, the Wildeson reference does not identically disclose (or even suggest) all of the features of claims 14 and 17, as presented.

Accordingly, it is respectfully submitted that claims 14 and 17, as presented, are allowable. Claims 15, 16 and 34 depend from claim 14, as presented, and claim 35 depends from claim 17, as presented, and they are therefore allowable for at least the same reasons as claims 14 and 17, as presented.

Accordingly, claims 14 to 17, 34 and 35 are allowable.

Claims 36 to 38 do not add any new matter and are supported by the present application, including the specification. Claims 36 to 38 depend from claim 14 and they are therefore allowable for the same reasons, including for the further reasons that they include combinations of features that are not disclosed or suggested by the applied reference.

Accordingly, claims 14 to 17, 34 and 35 to 38 are allowable.

**CONCLUSION**

It is therefore respectfully submitted that all of the presently pending and considered claims 14 to 17, 34 and 35 to 38 are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn, since all issues raised have been addressed and obviated. An early and favorable action on the merits is therefore respectfully requested.

Respectfully submitted,

Dated: \_\_\_\_\_

*1/21/09*

By: \_\_\_\_\_

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